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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A "PRIOR" PATENT**

In re Application of: Ming Lu et al.

Application No.: 10/810,385

Filed: March 26, 2004

For: REPAIR OF PHOTOLITHOGRAPHY MASK BY SUB-WAVELENGTH ARTIFICIAL  
GRATING TECHNOLOGY

TO: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Mark J. Marcelli, represent that I am the attorney of record for this invention.

The Assignee is **Taiwan Semiconductor Manufacturing, Co., Ltd.**

The owner, **Taiwan Semiconductor Manufacturing, Co., Ltd.**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the earliest of the expiration date of the full statutory term of prior patent No. **6,982,134, Issued: January 3, 2006**, as the term of said patent is defined in 35 U.S.C. 154 and 173, and as the term of said patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent and patents granted on said reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the earliest of the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, or the earlier expiration date of a patent granted on either of the reference applications "as the term of any of said patents is shortened by any terminal disclaimer," in the event that any of said patents later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 36,593

**FEE PAYMENT**

[X] Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1679, Attorney Docket No. N1085-00222/TSMC2003-0413.

[X] Charge Deposit Account No. 04-1679 in the amount of \$130 for large entity, Attorney Docket No. N1085-00222/TSMC2003-0413. A duplicate of this disclaimer is attached.

Respectfully submitted



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Attorney for Applicants

Dated: April 26, 2007

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